

Application No. 09/681,753

RD-28169

REMARKS

Claims 1 to 9, 14 to 19, 26 and 35 to 39 are pending. Claims 20 and 40 are cancelled without prejudice or disclaimer.

Claims 1 to 9, 14 to 20, 26 and 35 to 39 were rejected under 35 U.S.C. §101 and 35 U.S.C. §112, first paragraph.

Claim 40 was not rejected under 35 U.S.C. §101 and 35 U.S.C. §112, first paragraph. While applicant vigorously contests the PTO position on these rejections (Applicant knows of no legal requirement that a claim either recite a "result" or recite a utility otherwise extensively disclosed in the supporting specification) nonetheless to obtain a quick allowance, Applicant has amended the independent claims with the substance of the recitation of claim 40.

The amendment of the independent claims with the limitation of claim 40 should overcome the rejections of claims 1 to 9, 14 to 20, 26 and 35 to 39 under 35 U.S.C. §101 and 35 U.S.C. §112, first paragraph.

Claims 1, 20 and 40 were rejected under 35 U.S.C. §112, second paragraph.

The Office Action appears to object to claim 1 as including steps of defining an experimental space as part of the CHTS steps. Claim 1 has been amended to clarify that the claim 1 CHTS does not include the steps of defining the experimental space for the CHTS.

The amendment to claim 1 should overcome the 35 U.S.C. §112, second paragraph rejection of claim 1. If it does not, the PTO is requested to clarify the basis of its 35 U.S.C. §112, second paragraph rejection of claim 1 in a subsequent non-final office action.

Claims 20 and 40 have been cancelled.

The rejection of claims 1, 20 and 40 under 35 U.S.C. §112, second paragraph should be withdrawn.


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In view of the foregoing amendments and remarks, it is respectfully submitted that claims 1 to 9, 14 to 19, 26 and 35 to 39 are allowable. Reconsideration and allowance are requested.

Should the Examiner believe that any further action is necessary in order to place this application in condition for allowance, she is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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